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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,958	10/30/2001	David George De Vorchik	MFCP.88142	6989

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EXAMINER	
KISS, ERIC B	
ART UNIT	**PAPER NUMBER**
2192	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/015,958	**Applicant(s)** DE VORCHIK ET AL.	
	Examiner Eric B. Kiss	**Art Unit** 2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-15*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Continuation of 3. NOTE: At a minimum, Applicant's propsed new claims contain additional limitations (i.e., "properties bag"), necessitating further consideration, further search, or both.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

Initially, the Examiner disagrees with the last sentence of Applicant's Interview Summary (see p. 9, paragraph 2, of Applicant's remarks), which states, "The prior art fails to disclose, among other things, a user interface that integrates a web component in a host wizard by utilizing an extension interface." Since, during the interview on September 8, 2005, the Examiner had actually expressed that the prior art does disclose the integration of a host wizard and a web component through a user interface, Applicant's statement is not an accurate reflection of the substance of the interview.

Applicant's arguments alleging that the Fedorov reference fails to teach various features, such as a host wizard and the integration of the host wizard and web component, have already been addressed in the record. See, for example, item 4a, pp. 2-3 of the Final Rejection mailed August 19, 2005.

Applicant's description of a "wizard" on page 2, lines 7-22, of the specification is not a definition set forth with reasonable clarity, deliberateness, and precision necessary to render its incorporation into the claims appropriate. Applicant is free to copy the text from the cited portion of the specification into claim 1 if Applicant desires specific limitations on how "wizard" is to be interpreted. Applicant's attempt to incorporate the description of an "operating system based extension" (p. 14 of Applicant's remarks) fails for similar reasons. An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (inventor may define specific terms used to describe invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning) (quoting Intellicall, Inc. v. Phonometrics, Inc., 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)). Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings"). Any< special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999) and MPEP § 2173.05(a).

Applicant's arguments alleging that various features are not taught by the Gauthier reference, are believe to have been addressed in, for example, items 4b through 4f, pp. 3-6 of the Final Rejection mailed August 19, 2005.

In response to Applicant's arguments on p. 13, in the second paragraph of Applicant's remarks, the Examiner respectfully submits that the XML Specification cited by the Examiner was not used in an applied rejection, and Applicant's argument about the impropriety of a rejection is misplaced. Since Applicant is apparently unaware of previous versions of the XML Specification, the Examiner herewith provides a copy of the XML Specification that does qualify as prior art (published February 10, 1998). It should be noted that the same wording relied upon in showing that XML is browser-based is present even in the older version of the specification (see the Abstract on the first page). Indeed, even in the Working Draft published November 14, 1996 (nearly five years prior to the instant application's filing date), similar language was used to describe XML (Applicant is free to review this document, available on the World Wide Web at <http://www.w3.org/TR/WD-xml-961114>, but a copy is not being furnished with this Office action)..

Continuation of 13. Other: Note the attached Notice of References Cited (PTO-892) and the provided copy of Extensible Markup Language (XML) 1.0, W3C Recommendation, February 10, 1998, REC-xml-19980210, pp. i-iv, 1-32..

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